

CTS

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

FILED
U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FT. WORTH, TEXAS

2008 JUL -3 PM 2:29

CLERK OF COURT

AMERICAN AIRLINES, INC.,

Plaintiff,

-v.-

No. 4:07-CV-487-A

GOOGLE INC.,

Defendant.

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiff, American Airlines, Inc. ("American"), moves for partial summary judgment, and pursuant to Local Rule 56.3, American respectfully shows the Court as follows:

I.
SUMMARY

Defendant, Google Inc. ("Google"), asserted 11 affirmative defenses in its answer. American moves for summary judgment on eight of Google's affirmative defenses: justification, unclean hands, laches, fair use, nominative use, failure to mitigate, estoppel, and waiver. Each of these affirmative defenses fails because Google does not have any evidence to support one or more of the essential elements required to prove those affirmative defenses. American more specifically identifies in its brief each such element of each affirmative defense on which summary judgment is sought.

II.
LEGAL AND FACTUAL GROUNDS
ON WHICH AMERICAN RELIES

The legal and/or factual grounds on which American relies are set forth in detail in American's brief.

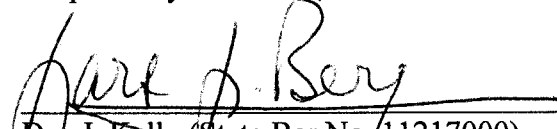
III.
APPENDIX

American's motion and brief are accompanied by an appendix containing the evidence on which American relies. The brief contains cites to the appendix for each assertion made by American concerning the summary judgment evidence.

IV.
PRAYER

American respectfully requests that the Court grant its motion for partial summary judgment and dismiss Google's affirmative defenses of justification, unclean hands, laches, fair use, nominative use, failure to mitigate, estoppel, and waiver.

Respectfully submitted,


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CERTIFICATE OF SERVICE

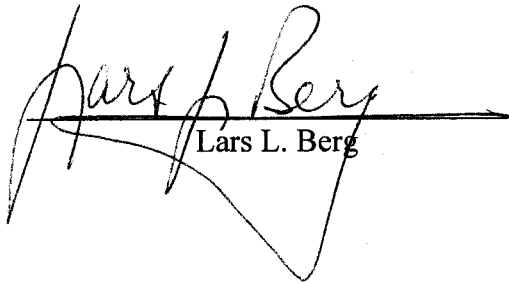
I certify that a true and correct copy of the foregoing was delivered on the 3rd day of July, 2008 to Defendant's counsel, as follows:

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